

**IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

HUNTINGTON DIVISION

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 3:09-00158-03

JASON P. BELCHER
also known as "Biz"

ORDER GRANTING DEFENDANT'S § 3582 MOTION

This matter is before the Court as a result of the remand for further consideration of the Court's prior denial of Defendant's 18 U.S.C. § 3582 (c)(2) motion. (ECF No. 530) In his motion Defendant sought reduction of his original sentence of 216 months pursuant to Amendments 750 and 782 to the United States Sentencing Guidelines. The Court denied his motion, but that decision was vacated on appeal with direction that the Court determine the drug quantity attributable to the defendant and then consider the effect, if any, of the Amendments. (ECF No. 541)

The Court directed the probation officer to prepare a Revised Addendum to the Presentence Report with recommended findings as to drug quantity and the effect of the Amendments. The Court required counsel for the defendant and the United States to file responses to the Revised Addendum, which the Court has now reviewed.

The Revised Addendum recommended a finding of 824.9 kilograms of marijuana equivalency resulting in a base offense level of 30. Further, the Revised Addendum concluded that Amendment 750 did not alter the guideline sentencing range of 235-293 months, but Amendment 782 did reduce the base offense level to 28, resulting in a revised guideline range of 188-235 months. The Revised Addendum recommended that Defendant be considered eligible for a

reduced sentence within that range, leaving the matter to the Court's discretion. The parties do not object to nor otherwise dispute the Revised Addendum.

After due consideration, the Court **ADOPTS** the Revised Addendum. As a result of Amendment 782, the defendant is subject to a revised sentencing guideline range as noted above. Applying the § 3553 factors, the Court finds a sentence at the bottom of the revised guideline range is appropriate. The Court notes that, although some minor sanctions have been imposed on him during his imprisonment, Mr. Belcher has successfully completed numerous classes and a drug program while serving his sentence. He has maintained strong ties with his wife and son.

It is therefore the judgment of the Court that Defendant's sentence is reduced to 188 months of imprisonment. Except as herein provided, the original judgment shall remain in effect and term and conditions of his supervised release are unchanged.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel and the defendant, the United States Attorney's Office, the United States Probation Office, the Federal Bureau of Prisons, and the United States Marshal Service.

ENTER: August 23, 2018

A handwritten signature in black ink, appearing to read 'Robert C. Chambers', is written over a horizontal line.

ROBERT C. CHAMBERS
UNITED STATES DISTRICT JUDGE